



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-44**

December 8, 2003

Mr. Ziad Lababidi
7 Buckingham St.
Hyde Park, MA 02136

RE: DES Wetlands File #2002-00475 Elmo Lane, Rochester

Dear Mr. Lababidi

On August 13, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Rochester Tax Map 216 as Lot 67 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700 and Permit #2002-475.

During the inspection the following deficiencies were documented.

1. Silt fence was not properly installed in violation of Specific Condition #1 of Permit #2002-475 which requires that all work shall be in accordance with plans by Norway Plains Assoc., Inc. dated 6/17/02 as received by the Department on 6/20/02. Per sheet 7 "Erosion and Sedimentation Control Details" of the Plans, the geotextile fabric shall meet the design criteria for silt fences, to be embedded a minimum of 8 inches into the ground and the soil compacted over the embedded fabric.
2. Approximately 800 square feet of dredged material was stockpiled in wetland areas

In response, you are requested to take the following actions

1. Install, monitor, and maintain erosion controls as per Specific Condition #1 of Permit #2002-475
2. Removed dredged material not utilized in wetland construction from any wetland area.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or


criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-4192.

Sincerely,


COPY
Colin G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL #70023150000154110077

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Rochester Conservation Commission
Rochester Board of Selectmen
David Killoy, USACOE